

RECEIPT

Department of Ecology (4610)
PO Box 47611
Olympia, WA 98504-7611
(360) 407-7095

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Comment Description WATER RIGHTS G4-35635

Department of Ecology
DEC 26 2013
Water Resources Program

REF DOC NR	REF DOC SFX	INV NR	ID NR	SUB ID NR	T C	R FUND	MAJ GRP	MAG SRC	SUB SRC	CNTY	WORK CLS	PIC	AI	ORG	PRJ	SUB PRJ	PRJ PHS	SUB OBJ	SUB SUB OBJ	VAR GL	SUB DR	SID CR	SUB SID	ALLOC AMT
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DEPT OF ECOLOGY
Received
JAN 02 2014
CENTRAL REGION OFFICE

Water Bank: Swiftwater

TRS: T20R16526

Applicant name: Kalum & Sarah Berg WBN WRTS No. 64-35635

Checklist for Reviewing Requests for Determination of Water Budget Neutrality (RDWBN)

existing well (APG-200)

I. Does the rule apply?

- ☒ Is the well within the mapped Upper Kittitas area? X yes ____ no
- ☒ Is proposed use either domestic, group domestic, lawn or noncommercial garden, municipal, stock watering, or industrial? (Circle all that apply)

II. Does the total proposed water use and purpose(s) fall under the limits of the groundwater permit exemption?

- ☒ Is this a group or non group use? (Circle one)
- ☒ If group use, number of parcels 1 of 6 (total # parcels in group) Horseshoe Hills Plat
- ☒ Does the owner have interest in any proximate parcel? X yes ____ no
- ☒ Does the owner have significant, voluntary joint activity and cooperation with the owner of a proximate parcel? X yes ____ no
- ☒ Exempt? X yes ____ no
- ☒ Require Permit? (Check parcel map, County website, Well logs, SEPA documents, etc, as appropriate) ____ yes X no

III. Is the necessary information provided in RDWBN per WAC 173-539A-050(2) CS4 YRB03CCR255(A) CTCL02

- ☒ Mitigation trust water rights identified? X yes ____ no, TWR No. (B)
- ☒ Site map provided? X yes ____ no (C)
- ☒ Area to be irrigated provided: 0.011 acres
- ☒ Soil Report provided (if needed) ____ yes ____ no X n/a
- ☒ Provided signed covenant restricting trees/shrubs over drain field OR Sewer Utility agreement? (Circle one)
- For parcel number: 21659
- ☒ Is the Request signed? X yes ____ no
- ☒ GW mitigation agreement provided: X yes ____ no
- ☐ Other necessary information missing: _____

Group Use Reviewer: 8-5-13 Date GG

IV. Executed agreement to designate a portion of a TWR provided and signed?

V. Is the TWR proposed for mitigation suitable for the applicant's proposal?

- ☒ Proposal complies with applicable TWR agreement ✓ yes ____ no
- ☐ What is the suitability area for the subject Trust Water Right: green, red, or yellow? _____
- ☐ Is a USBR contract assignment required? ____ yes ____ no
- ☐ If yellow and a contract assignment is required, complete the ESA Consultation protocol and take to WTWG. Determine suitability based on HG analysis (check for related HG analysis and contact appropriate HG). If appropriate, fill out "Yellow Area Acquisition, Exchange and Storage Process" letter to send to USBR.
- ☐ If green and a contract assignment is required, fill out "Green Area Acquisition, Exchange and Storage Process" letter to send to USBR. WTWG already discussed green area Suncadia mitigation projects on March 8, 2010, so if this uses Lamb and Anderson mitigation, does not need to go to WTWG again.
- ☒ If other TWR provided by the applicant, is there any potential impact to surface water system upstream of the original TWR POD? If so, USBR contract assignment is required and needs to go to WTWG.

VI. Is the consumptive use as a result of the total proposed use equal to or less than the quantity of mitigation water offered per WAC 173-539A-060(2)(a)? X yes ____ no (Use the calculator and CU values from WAC 173-539A unless additional specific information is provided by the applicant)

VII. Has the RDWBN been provided to the Fish Group? ____ yes ____ no X n/a Date ready for fish group: _____

☐ Create/include a pdf version of 1) the request, 2) a map, 3) draft WBN determination, and 4) draft HGmemo. And place these 4.pdfs in a new folder located in Sharepoint> WBN Templates and Tools>Fish group pdf's

Fish group response: _____

VIII. Has the RDWBN been taken to WTWG? X yes ____ no If yes, date: 11/4/13 [date ready for WTWG: _____]

WTWG#: 13-74; WTWG Response: Thanks

IX. ☒ Debit TWR (Accounting for * * mitigation.xlsx) and USBR-Ecology Contract Accounting spreadsheet

Reviewed by APL Recommendation: Approve ✓ Deny ____ or Reject ____ Date 11/13/13

7010 0290 0000 7126 5077

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 11-14-13

Sent To Kaluma Sarah Berg
 Street, Apt. No.,
 or PO Box No.
 City, State, ZIP+4 G4-35635

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> <u>Kal Berg</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>Kaluma Berg</u> C. Date of Delivery <u>11/16/13</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>
<p>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>KALUM AND SARAH BERG 1142 ROSE PLACE BUCKLEY WA 98321 WR/ss WBN Determination G4-35635 11-14-13</p> </div>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Transfer from service label)</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>7010 0290 0000 7126 5077</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

**WATER BUDGET NEUTRALITY (WBN)
REVIEW ROUTER**

- ☒ WBN DETERMINATION Letter ☐ WBN REPORT OF EXAMINATION
☐ WBN REJECT & RETURN Letter ☐ WBN DENIAL Letter
☐ AMENDED: _____ ☒ EXCHANGE CONTRACT Assignment

☐ Other: _____

File No.: W4-35635

Author/Date: SPL (took from Kurt during his absence)

SharePoint: >Water Right Documents>

Docs for G4-35635

Dates drafted/edited (Admin): _____

GWIS mapping review (review changes BEFORE final)

GWIS initials/date: _____

GWIS remarks & edits (if more room is needed use back of page):

change grstr to SWNW
in three places -
NOT in SharePoint

Sage Park

Operations Sup. (Initial/Date indicate DRAFT ROE is ready to post)

Stuart Luttrell

Technical Sup. (Initial/Date indicate DRAFT ROE is ready to post)

Mark Kemner Section Mgr

(Initial/Date) Indicates DRAFT ROE is ready to post

Email pdf to Chris Anderson, HQ to Post to Net: 11-15-13
(posted for 2 weeks)

Sage Park

Operations Sup (Initial/Date FINAL ROE is ready for Posting/Mailing)

Stuart Luttrell

Technical Sup (Initial/Date FINAL ROE is ready for Posting/Mailing)

Mark Kemner Section Mgr

(Initial/Date) FINAL ROE is ready for Posting/Mailing

~~Email pdf to Chris Anderson, HQ to Post to Net:~~ CRO-Admin
(posted for 60 days)

Date Doc mailed: 11-14-13

(Admn initial/date when doc is finalized & mailed)

☐ Exchange Contract reviewed by: UK
(Section Manager Initial/Date); Admin: Send to USBR

WRIA: 37 ☐

38 ☐

39 ☒

COUNTY: Benton ☐

Yakima ☐

Kittitas ☒

Remarks, Special Instructions, Related Files:

Please use Back of Page.

CC's (Check application signatures):

If Certified
check box

☒ Trust Water Right Debited: SPL 11/12/13
Permit Writer (Initial and Date)

☒ USBR-Ecology Contract Debited: SPL 11/12/13
Permit Writer (Initial and Date)

cc's & protestants (more room on back of page)

☒ Yakama Nation ☐ Suncadia, LLC

☐ Joe Mentor, Jr. (email: mentor@mentorlaw.com)

☐ Jessica Kuchan (email: kuchan@mentorlaw.com)

☒ SwiftWater (email: gleasonproperties@comcast.com)

☐ Roth-Clennon (email: teroth@earthlink.net)

☐ Masterson (email: kmasterson@inlandwireless.com)

☒ James Rivard, Kittitas Co. Health Dept. (1-9 Connections)
(email: environmentalhealth@co.kittitas.wa.us)

☐ WA State DOH, Heather Cannon (more than 9 Connections)
(email: heather.cannon@doh.wa.gov)

Other: Traci Shellbetter

Attachments:

- ☒ Your Right to Be Heard
☐ PTO appeal? No Your Right to Be Heard
☒ Water Measurement Requirements & Form 1
☐ Focus on Water Right Relinquishment (98-1812-WR)
☒ Advisory Letter (White)
☐ METHANE Advisory Letter (Blue)
☐ Other: _____

Comments/Notes may be made on back of page.



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

November 13, 2013

William Ferry, USBR
Columbia-Cascades Area Office
1917 March Rd
Yakima WA 98901-2058

Re: Assignment of Trust Water Right to USBR-Ecology Contract

Dear Mr. Ferry:

Enclosed are two proposed assignments of trust water right to the USBR-Ecology Exchange Contract (Contract No. 09XX101700).

The attached sheets describe how the assignments meet the terms of the storage contract.

Please call me at (509) 454-4258 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Kemner".

Mark Kemner, LHG
Section Manager
Water Resources Program/CRO

MK:ss
131131

Enclosures: Proposed Assignments (Exchange Contract)
Copies of Nos. G4-35635 and G4-35638

FILE COPY

SwiftWater Ranch LLC Exchange Contract Assignment

Kalum and Sarah Berg

WBN Request No. G4-35635

The Department of Ecology (Ecology) has determined the use of groundwater described below will be water budget neutral with respect to Total Water Supply Available (TWSA). The reach of the Yakima River affected by the groundwater appropriation can be mitigated by release of stored water from a U.S. Bureau of Reclamation (USBR) storage facility upstream from the affected reach. Supplemental consultation under Endangered Species Act (ESA) is, therefore, not required pursuant to Article 18.b of the contract.

1. The groundwater use that will be offset by the trust water right is for domestic supply and 0.011 acres of lawn and garden irrigation. The use of water will be located within SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26, T. 20 N., R. 16 E.W.M. (Parcel No. 21159). The consumptive water use will be 0.072 acre-feet from April 1 through September 15, and 0.017 acre-feet from September 16 through October 31.
2. The trust water right (No. S4-02255(A)CTCL@2) was placed into the Trust Water Right Program by SwiftWater Ranch LLC.
3. The Trust Water Agreement between Ecology and SwiftWater Ranch LLC can be found at the following website: <http://www.ecy.wa.gov/programs/wr/cro/swrwb.html>.
4. Ecology assigns 0.017 acre-feet of Trust Water Right Certificate to the USBR-Ecology Exchange Contract (Contract No. 09XX101700). The term of the assignment is from November 12, 2013 to January 29, 2049.
5. The total payment for 36 years, based on the rate of \$22/ac-ft/yr in Article 15.a, is \$13.46.

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